

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	File No. EB-05-SE-116
)	
Dobson Cellular Systems, Inc.)	NAL/Acct. No. 200632100010
)	FRN # 0001699719
)	
American Cellular Corporation)	NAL/Acct. No. 200632100011
)	FRN # 0003767324
)	
Subsidiaries of Dobson Communications Corp.)	

ORDER

Adopted: April 16, 2007

Released: April 25, 2007

By the Commission:

1. In this Order, we adopt the attached Consent Decree entered into between the Commission and Dobson Cellular Systems, Inc. and American Cellular Corporation (collectively, “Dobson”). The Consent Decree terminates an investigation initiated by the Enforcement Bureau regarding Dobson’s compliance with the Enhanced 911 (“E911”) Phase I and Phase II requirements set forth in Section 20.18(d) and (f) of the Commission’s Rules (“Rules”).¹ The Consent Decree also terminates a Notice of Apparent Liability for Forfeiture (“NAL”) issued to Dobson for apparent violation of the E911 Phase I and Phase II requirements set forth in Section 20.18(d) and (f).²

2. The Commission and Dobson have negotiated the terms of a Consent Decree that would resolve this matter and terminate the investigation and NAL. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation and the NAL. We also conclude that, in the absence of material new information not previously disclosed to the Commission, the matters raised in the investigation and the NAL do not raise any substantial and material questions of fact regarding Dobson’s qualifications to be a Commission licensee.

4. Accordingly, **IT IS ORDERED**, pursuant to Sections 4(i) and 503(b) of the Communications Act of 1934, as amended,³ that the attached Consent Decree **IS ADOPTED**.

5. **IT IS FURTHER ORDERED** that the above-captioned matters **ARE TERMINATED**.

¹ 47 C.F.R. § 20.18(d) and (f).

² *Dobson Cellular Systems, Inc. and American Cellular Corporation*, 21 FCC Rcd 4684 (2006).

³ 47 U.S.C. §§ 154(i) and 503(b).

6. **IT IS FURTHER ORDERED** that Dobson shall make its voluntary contribution to the United States Treasury, as specified in the Consent Decree, by credit card through the Commission's Debt and Credit Management Center at (202) 418-1995, or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Ronald L. Ripley, Senior Vice President and General Counsel, Dobson Cellular Systems, Inc. and American Cellular Corporation, 14201 Wireless Way, Oklahoma City, Oklahoma 73134, and to Lawrence J. Movshin, Esq. and Kenneth D. Patrich, Esq., Wilkinson Barker Knauer LLP, 2300 N Street, N.W., Suite 700, Washington DC 20037-1128.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

CONSENT DECREE

The Federal Communications Commission (“Commission” or “FCC”) and Dobson Cellular Systems, Inc., and American Cellular Corporation (collectively “Dobson”) hereby enter into this Consent Decree regarding possible violations of Section 20.18 of the Commission’s Rules (“E911 Rules”) regarding Dobson’s provision of Enhanced 911 (“E911”) service.¹

I. BACKGROUND

1. On April 14, 2005, the FCC Enforcement Bureau (“Bureau”) received an informal complaint from the 911 State Administrator, Michigan State Police, on behalf of 14 Michigan Public Safety Answering Points regarding Dobson’s compliance with the E911 Rules. On May 4, 2005, the Bureau sent a Letter of Inquiry (“LOI”) to Dobson addressing the informal complaint as well as other markets across the country. Dobson submitted responses on May 24, 2005 and June 23, 2005, and submitted an update on August 25, 2005.

2. On April 18, 2006, the Commission released a Notice of Apparent Liability for Forfeiture against Dobson in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) for apparent violations of Section 20.18 in markets in Michigan and other states.²

II. DEFINITIONS

3. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§151 *et seq.*
- (b) “Adopting Order” means an order of the Commission adopting the terms and conditions of this Consent Decree;
- (c) “Bureau” means the Enforcement Bureau of the Federal Communications Commission;
- (d) “Commission” or “FCC” means the Federal Communications Commission;
- (e) “Dobson” means Dobson Cellular Systems, Inc., and American Cellular Corporation, their affiliates and any successors and assigns;
- (f) “Effective Date” means the date the Adopting Order is released by the Commission;
- (g) “Enforcement Proceeding” means the investigation of alleged violations of Section 20.18 by Dobson undertaken by the Bureau and culminating in the *Notice of Apparent Liability*.
- (h) “*Notice of Apparent Liability*” or “NAL” means *Dobson Cellular Systems, Inc. and American Cellular Corporation*, 21 FCC Rcd 4684 (2006);
- (i) “Parties” means Dobson and the Commission; and
- (j) “Rules” means the Commission’s Rules found in Title 47 of the Code of Federal Regulations.

III. TERMS OF SETTLEMENT

4. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Commission by incorporation of such provisions by reference in the Adopting Order.

¹ 47 C.F.R. §§ 20.18(d), (f).

² *Dobson Cellular Systems, Inc. and American Cellular Corporation*, 21 FCC Rcd 4684 (2006).

5. The Parties agree that this Consent Decree shall become binding on the Parties on the Effective Date. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other final order of the Commission and any violation of the terms or conditions of this Consent Decree shall constitute a violation of a Commission order.

6. Dobson acknowledges that the Commission has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

7. The Parties waive any rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided that the Adopting Order adopts the Consent Decree without change, addition, modification or deletion.

8. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination of any compliance or noncompliance with the Act or the Rules. The Parties further agree that this Consent Decree is for settlement purposes only and that by agreeing to this Consent Decree, Dobson does not admit or deny any liability for violating the Rules in connection with the matters that are the subject of this Consent Decree.

9. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of scarce public resources, the Commission agrees to terminate the Enforcement Proceeding and cancel the *Notice of Apparent Liability* at such time as both Parties sign this Consent Decree and the Commission adopts this Consent Decree.

10. Dobson has implemented certain administrative and management oversight changes (including creation and use of a computer database for tracking E911 Phase I and II implementations) as more fully described in the Compliance Plan attached hereto. Dobson will continue to track E911 implementations to facilitate timely E911 deployments. Dobson reserves the right to modify the attached Compliance Plan as necessary to better ensure continuing compliance with the Commission's Rules. Dobson contemporaneously will notify, in writing, the Chief, Enforcement Bureau, Federal Communications Commission, Washington, D.C., of any modification to the Compliance Plan. The Commission, through the Chief, Enforcement Bureau, may disapprove, in writing, any such modification within 15 calendar days of receipt of Dobson's notification where it finds that the modification is inconsistent with the terms of this Consent Decree or the Commission's rules or policies.

11. The Parties agree that Dobson's obligations under this Consent Decree will remain in effect for twenty-four (24) months from the Effective Date.

12. The Parties acknowledge and agree that this Consent Decree shall constitute a final and binding settlement between Dobson and the Commission regarding the possible violations of Section 20.18 of the Rules within the scope of the Enforcement Proceeding. In consideration for termination by the Commission of the Enforcement Proceeding and cancellation of the *Notice of Apparent Liability* and in accordance with the terms of this Consent Decree, Dobson agrees to the terms set forth in this Consent Decree.

13. The Commission agrees that it will not institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion, including imposing any forfeiture or other sanction, against Dobson for possible violations of Section 20.18 of the Rules through the Effective Date. Nothing in this Consent Decree shall prevent the Commission from instituting investigations or enforcement proceedings against Dobson in the event of any other alleged misconduct that violates this Consent Decree or that violates any provision of the Act or the Rules.

14. The Parties agree that any provision of this Consent Decree that conflicts with any subsequent rule, order of general applicability or other decision of general applicability adopted by the Commission will be superseded by such Commission rule, order or other decision.

15. Dobson agrees that it will make a voluntary contribution to the United States Treasury in the amount of Seven Hundred Thousand Dollars (\$700,000) within 30 calendar days after the Effective Date of the Adopting Order. Payment must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. Nos. and FRN Nos. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106.³ The payment should reference the NAL/Acct. and FRN Nos. referenced above.

16. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Dobson nor the Commission shall contest the continuing validity of the Consent Decree or Adopting Order. The Parties agree to comply with, defend and support the validity of this Consent Decree and the Adopting Order in any proceeding seeking to nullify, void, or otherwise modify the Consent Decree or the Adopting Order.

17. The Parties agree that in the event that any court of competent jurisdiction renders this Consent Decree invalid, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

18. Dobson waives any rights it may have under any provision of the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

19. This Consent Decree cannot be modified without the advance written consent of both Parties except as indicated in paragraph 11.

³ 47 C.F.R. § 1.1914.

20. This Consent Decree may be signed in counterparts.

For the Commission:

Marlene H. Dortch
Secretary

Date

For Dobson Cellular Systems, Inc., and
American Cellular Corporation:

Ronald L. Ripley
Senior Vice President and General Counsel

Date

COMPLIANCE PLAN

Summary of Dobson Cellular Systems, Inc., and American Cellular Corporation (collectively “Dobson”) Administrative and Management Oversight Changes

As part of its effort to ensure compliance with the Communications Act of 1934, as amended, and the FCC's rules and regulations, Dobson has developed, and will continue to implement and oversee, the following administrative and management oversight changes to its implementation of E911:

1. Dobson retained a contractor, RaddComm Consulting Services (“RaddComm”), to assist with E911 implementation. Through RaddComm, Dobson uses a computer database known as the Main Project Tracker to track the status of all ongoing E911 deployment projects.
2. Dobson’s Senior Vice President and Chief Technical Officer (who reports to the Chief Executive Officer) oversees E911 implementation. He hosts a weekly senior engineering management meeting to discuss engineering-related compliance issues. As part of that meeting, he receives an oral report on E911 processes and projects from the Vice President of Networks and the Vice President of Engineering. Any difficulties in meeting upcoming E911 deadlines are brought to the attention of the Senior Vice President and Chief Technical Officer as part of this regular meeting. In addition, the Senior Vice President and Chief Technical Officer weekly receives and reviews a written report regarding E911 progress, prepared in the form of an update to the most recent quarterly report filed with the Commission.
3. Dobson’s Vice President of Engineering (who reports to the Senior Vice President and Chief Technical Officer) is integrated into Dobson’s E911 implementation processes and participates in weekly E911 Deployment conference calls held with RaddComm to maintain compliance with E911 deployment goals. He also participates in a separate bi-weekly “punch list” meeting with RaddComm and other Dobson employees and contractors to address E911 deployment issues.